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**OFFICE OF PETITIONS**

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In re Application of :  
Ryszard M. Lec, et al. :  
Application No. 10/826,567 : **RESPONSE TO PETITION**  
Filed: April 16, 2004 :  
Attorney Docket No: DXU-0007/02-0486D :

This is a response to the petition under 37 CFR 1.59(b), filed September 29, 2009, to expunge information from the above identified application.

The petition is **GRANTED**.

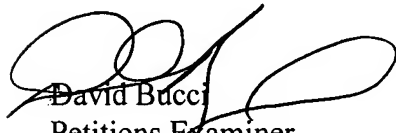
In the instant petition, petitioner seeks to have expunged from the file record of the instant application, a list of documents identified in the instant petition by letters "a" through "f", that were "unintentionally" submitted electronically on September 25, 2009. Petitioner further states, "The above-identified unintentionally submitted information was intended to be filed in Application Number 11/418,598 and was, in fact, filed in that application on the same day." The incorrect application number included in the transmittal of these documents via Office's Electronic Filing System (EFS), as evident from the electronic acknowledgement receipt associated therewith, apparently caused the documents to be placed in the file record of the instant application.

As set forth in MPEP § 724.05, paragraph III, the granting of a petition to expunge information submitted in an incorrect application will be governed by "the factors enumerated in paragraph II of this section in regard to the unintentional submission of information". The instant petition satisfies the relevant factors from those listed in MPEP § 724.05, paragraph II.

In view of the above, the petition to expunge has been **GRANTED**.

Although the petition has been granted, and the documents that were requested to be removed have been expunged from the instant application, petitioner is reminded of the duty to disclose to the Office all information known to the petitioner to be material to patentability in the instant application, as set forth in 37 CFR 1.56. As of mailing date of this decision, the corresponding images of the expunged documents in IFW have been "closed" thereby removing them from a list of publicly available documents associated with this application.

Telephone inquiries concerning this communication should be directed to Ramesh Krishnamurthy at (571) 272 - 4914.



David Buccj  
Petitions Examiner  
Office of Petitions